IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1237 of 2007

CMP.404/2007 of MUNI-MAGI.COURT,PONNANI
CRIME NO.31/2007 OF PERUMPADAPPU POLICE STATION

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PETITIONERS/ACCUSED

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1. ANSAR (A2), S/O.KUNHUMON,
   VALIYIL HOUSE, AYIROOR AMSOM DESOM,
   PALAPETTY.

2. SIRAJUDHEEN (A4), S/O.SAYED MUHAMMED,
   AYIROOR AMSOM, PALAPETTI.

3. YUSUFF (A5), S/O.MUHAMMADALI,
   ACHARINTAKATH HOUSE, AYIROOR AMSOM DESOM,
   KAPPIRIKKAD BEACH.

4. AKBAR (A6), S/O.MUHAMMEDALI,
   ACHARINTAKATH, AYIROOR AMSOM, KAPPIRIKKAD
   BEACH.

5. NISHAD (A9), S/O.HAMSA,
   THANDANKOLIYIL (H), AYIROOR AMSOM,
   KAPPIRIKKAD.

6. ARAVINDAN (A10),
   S/O.BALAN, POORADAMPURAKKAL HOUSE,
   AYIROOR AMSOM, KAPPIRIKKAD BEACH.

BY ADV. SRI.K.J.SAJI ISAAC

RESPONDENTS:

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1237/2007

Dated this 1st day of March, 2007

O R D E R

The petitioners who are accused Nos.2, 4 to 6, 9 and 10 in Crime No.31/2007 of Perumpadappu Police Station for offences punishable under Sections 143, 147, 148, 324 and 308 IPC read with Section 149 IPC, seek their enlargement on bail. The occurrence took place at 8.50 p.m on 12.2.2007 and the petitioners were arrested on 14.2.2007.

2. In as much as the second petitioner, i.e. fourth accused, named Sirajudheen had allegedly committed the offence at a time when he was on bail granted by this Court in B.A.No.7229/2006 in crime No.214/2006 of the very same police station, he had not only abused the liberty granted to him by this Court but was also liable to have his application for bail cancelled in crime No.214/2006. Such a person cannot be granted bail as well, in the present case.

3. Accordingly, the petitioners 1 and 3 to 6 who are accused Nos. 2, 5, 6, 9 and 10 are directed to be released on bail on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Ponnani, and subject to the following conditions:

1. The petitioners 1 and 3 to 6 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners 1 and 3 to 6 shall make themselves available for interrogation as and when required by the police till the filing of the final report.

3. The petitioners 1 and 3 to 6 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. The petitioners 1 and 3 to 6 shall not commit any offence while on bail.

4. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed in part as above.

V.RAMKUMAR,
JUDGE

mrcs